IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.3051 of 2007

Moharram Ali Chottan Shah ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr S. P. Bharti, Advocate for the applicant.

Ms M. H. Mhatre, A.P.P for the State.

CORAM: V.C. DAGA,J.
DATED: 20TH SEPT, 2007.

P.C.:-

1. Heard learned counsel for the applicant and learned A.P.P.for the State.

2. Perused application and the material available on record.

3. The applicant is seeking bail in connection with C.R.No.I-41 of 2007. The applicant was arrested by the Crime Branch Rural Area, Thane on 30-5-2007 for the offence under punishable under Sections 395, 397, 364, 342 of the I.P.C. read with Sections 3 and 25 of the Arms Act under the afaoresaid C.R.

4. According to the applicant, statement of the complainant was recorded belatedly on 4th June, 2007.

5. The learned counsel for the applicant submits that one of the co-accused Devendrakumar Harkhanath Gound has already been enlarged on bail by this Court in Bail Application No. 2095 of 2007 whose role is identical with that of the present applicant. The learned APP does not dispute this aspect. In this view of the matter, the present applicant is entitled for bail on following terms and conditions.

(a) The applicant-accused Moharram Ali Chottan Shah arrested in connection with C.R.No.I-41 of 2007 by the Crime Branch Rural Area, Thane for the offence under punishable under Sections 395, 397, 364, 342 of the I.P.C. read with Sections 3 and 25 of the Arms Act shall be enlarged on bail in the sum of Rs. 25,000/- with one or two local sureties to make up the said amount.

(b) The applicant will not be released unless he furnishes proof of his residential address, or otherwise. He shall not change the residence without

prior intimation to the I.O.

c] The applicant shall report to the concerned Police Station once in a week i.e. on every Saturday in between 5:00 to 7:00 p.m. till the conclusion of the trial.

d] The applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

e] The applicant shall co-operate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

f] Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

6. Application is disposed of in above terms.

JUDGE